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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,082	10/03/2001	Randall B. Smith	5181-80300	9515
7590	12/27/2004		EXAMINER	
ROBERT C. KOWERT MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P. O. BOX 398 AUSTIN, TX 78767-0398			CUNNINGHAM, GREGORY F	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/970,082	SMITH, RANDALL B.
<b>Examiner</b>	<b>Art Unit</b>	
Greg Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 December 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 and 31-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-15 is/are allowed.
- 6) Claim(s) 31-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This action is responsive to communications of amendment of application filed 12/14/2004.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 31-33, 37, 38

are rejected under 35 U.S.C. 102(b) as being disclosed by Mastering Excel 97, hereinafter Excel.

- A. Excel discloses, claim 31, “A computer system comprising: a first memory configured to store data [Excel, bottom of p. 122 - 123 at ‘Font: The list of fonts that are available ... or were installed later. Figure 5.1, TrueType fonts are ... built into Microsoft Windows.’; Excel p. 6, under ‘Starting Excel: You have purchased ... The setup program installs all of the required files to your hard disk.’ - wherein font memory (files) corresponds to first memory], wherein the data includes information describing one or more objects [fonts] and one or more non-positional attributes [font type (Times New Roman, Arial, Tahoma) for the one or more objects [fonts]]; a processor configured to read the data from the first memory [font memory (files)]; render pixels depicting the one or more objects [fonts]; to select, for each of the one or more objects [fonts],

one or more auxiliary rendering attributes [Excel, p. 123, Font Size: Font size is measured in points. There are ... so that the characters display properly.] corresponding to a level of rendering detail [wherein different font sizes correspond proportionally to a different level of detail] based on the one or more non-positional attributes [font type (Times New Roman, Arial, Tahoma); and to render the pixels [display on monitor screen – see excel display on pages 128 and 133 or see for example Excel p. 123, Figure 5.1 Preview window] for each of the one or more objects [fonts] according to the corresponding one or more auxiliary rendering attributes font size]; a second memory [Excel inherently discloses screen memory on p. 6, at ‘Note: Because you can easily ... from within Excel.] configured to store the pixels rendered by the processor [inherent in computer systems that run Excel]; and a display device [inherent in computer systems that run Excel], wherein the display device is configured to display the pixels stored in the second memory [Excel inherently discloses screen memory on p. 6, at ‘Note: Because you can easily ... from within Excel.]” as [detailed].

B. Excel discloses claim 32, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is color saturation” is disclosed supra for claim 31. Furthermore “wherein one of the one or more auxiliary rendering attributes is color saturation” is disclosed in [Excel, p. 900 – 901 at ‘To Customize a Color in a Workbook’s Color Palette: 1. Switch to the ... 6. Click on OK in the Options dialog box to apply the new color palette to the workbook. – wherein varying colors in Color Palette correspond to varying saturation.]

C. Excel discloses claim 33, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is a drop shadow” is disclosed supra for claim 31.

Furthermore “wherein one of the one or more auxiliary rendering attributes is a drop shadow” is disclosed in [Excel, top of p. 320 at ‘Creates shadow effects and Creates 3-D effects’].

D. Excel discloses claim 37, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is an indicator of whether or not to render text for the object” is disclosed supra for claim 31. Furthermore “wherein one of the one or more auxiliary rendering attributes is an indicator of whether or not to render text for the object” is disclosed in [Excel, p. 137 in Figure 5.4 for Format Cells under Number Category ‘Text’. - Wherein the conditional “whether or not” corresponds to if the category is ‘text’ then text is displayed, if the category is number, currency, then text is not displayed.]

E. Excel discloses claim 38, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is font size” is disclosed supra for claim 31.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 34, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Excel as applied to claim 31 above, and further in view of Official Notice.

A. Excel discloses claim 34, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is animation” is disclosed supra for claim 31. However, Excel does not appear to disclose, “wherein one of the one or more auxiliary rendering attributes is

animation”, but [Official notice is taken that the art is replete with text effects of simmering, sparkle text, marching black ants text and marching red ants text corresponding to animated fonts].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with animation disclosed by Official Notice, and motivated to combine the teachings because it would produce additional textual effects as revealed by Official notice.

B. Excel discloses claim 39, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is sound volume” is disclosed supra for claim 31. However, Excel does not appear to disclose, “wherein one of the one or more auxiliary rendering attributes is sound volume”, but [Official notice is taken that the art is replete with object inserted files effects of sounds corresponding to sound volume].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with sound volume disclosed by Official Notice, and motivated to combine the teachings because it would produce additional effects as revealed by Official notice.

C. Excel discloses claim 40, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is blink rate” is disclosed supra for claim 31. However, Excel does not appear to disclose, “wherein one of the one or more auxiliary rendering attributes is blink rate”, but [Official notice is taken that the art is replete with text effects of blinking background text corresponding to blink rate].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with blinking background disclosed by Official Notice, and motivated to combine the teachings because it would produce additional textual effects as revealed by Official notice.

D. Excel discloses claim 41, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is background blending level” is disclosed *supra* for claim 31. However, Excel does not appear to disclose, “wherein one of the one or more auxiliary rendering attributes is background blending level”, but [Official notice is taken that the art is replete with text effects of background blending text corresponding to background blending level].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with background blending level disclosed by Official Notice, and motivated to combine the teachings because it would produce additional effects as revealed by Official notice.

E. Excel discloses claim 42, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is shimmering” is disclosed *supra* for claim 34.

F. Excel discloses claim 43, “The computer system of claim 31, wherein the processor is configured to read updated data from the first memory, wherein the processor is configured to use the updated data to re-render the pixels depicting the one or more objects, wherein the processor is configured to select one or more updated auxiliary rendering attributes corresponding to an updated level of rendering detail based on the updated data” is disclosed *supra* for claim 31. However, Excel does not appear to disclose, “wherein the processor is configured to read updated data from the first memory, wherein the processor is configured to

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use the updated data to re-render the pixels depicting the one or more objects, wherein the processor is configured to select one or more updated auxiliary rendering attributes corresponding to an updated level of rendering detail based on the updated data”, but [Official notice is taken that the art is replete with screen refresh effects corresponding to updating data].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with screen refresh effects disclosed by Official Notice, and motivated to combine the teachings because it would produce additional effects as revealed by Official notice.

G. Excel discloses claim 44, “The computer system of claim 43, wherein the updating and re-rendering is performed substantially in real-time” is disclosed supra for claim 43. Furthermore Official notice is taken that the art is replete with substantially in real-time updating.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with real-time updating disclosed by Official Notice, and motivated to combine the teachings because it would produce additional effects as revealed by Official notice.

6. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Excel as applied to claim 31 above, and further in view of Warping and Morphing of Graphical Objects, hereinafter Warping & Morphing.

A. Excel discloses claim 35, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is opacity” is disclosed supra for claim 31. However, Excel does not appear to disclose, “wherein one of the one or more auxiliary rendering attributes is

opacity”, but Warping & Morphing does on p. 345 – 346 stating at ‘Image Opacity: The concept of image opacity … of the rendering process.’].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply fonts disclosed by Excel 97 in combination with opacity disclosed by Warping & Morphing, and motivated to combine the teachings because it would cut out parts of images/objects and to create composite images from a series of layers as revealed by Warping & Morphing on p. 345, second paragraph.

B. A. Excel discloses claim 36, “The computer system of claim 31, wherein one of the one or more auxiliary rendering attributes is transparency” is disclosed supra for claim 35. Wherein ‘0’ corresponds to completely transparent areas.

#### *Allowable Subject Matter*

7. Claims 1-15 are allowed.
8. The following is an examiner's statement of reasons for allowance:

Applicant's independent claim 1 stands novel over the related prior art. For instance, while the related art of Smith et al. (U.S. Patent Number 6,476,829), does make use in one embodiment of the present invention, the non-positional display attribute can include, a fadedness of the object against a background, a transparency of the object, a size of the object on the display, a color of the object, a blink rate of the object, a jiggle rate of the object, a drawing order of the object relative to other objects, a line thickness of the object, a contrast of the object, a spatial frequency of a pattern for the object, a halo parameter for the object, an animation rate for the object, an offset of a drop shadow for the object, a response sensitivity to user input of the

object, a binocular depth of an object and a loudness of an object (if the object has an associated sound). However does not use “the first and second non-positional rendering attributes to select a third non-positional rendering attribute; and rendering a scene including at least a subset of the plurality of objects, wherein said rendering is performed according the first, second, and third non-positional rendering attributes, and wherein the scene is displayable on a display device”, and does not qualify as 102(a) as so remarked by applicant.

Therefore as claimed by the combined elements of independent claim 1, the cited references and prior art of record lack separately and in combination the elements of amended claims.

Claims 2-15 depend from allowable independent claim 1, respectively, and therefore are also allowed.

***Response to Arguments***

9. Applicant's remarks with respect to claims 31-44 have been considered but are moot in view of the new ground(s) of rejection.

***Responses***

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

***Inquiries***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

*J.F. Cunningham, Examiner*

gfc

December 21, 2004

*Matthew C. Bella*

MATTHEW C. BELLA  
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